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Barbara Fergusson

From: John Davis
Sent: Thursday, December 15, 2022 8:25 AM
To: Mike Bush
Cc: Barbara Fergusson
Subject: RE: Initial disclosures

Good morning Michael,

I hope you are well. In my view, it is premature to initiate discovery in this matter pending the outcome of defendants' Motion to Dismiss Plaintiff's First Amended Complaint Under Rule 12(b)(6). Therefore, I do not intend to participate in a Rule 26(f) planning conference at this time. Please let me know if you intend to serve discovery on any defendants or notice any depositions before the Court rules on defendants' pending Motion to Dismiss. If so, defendants will move to seek a stay of discovery.

Thank you,

John



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From: Mike Bush <bmoc54@verizon.net>
Sent: Wednesday, December 14, 2022 11:02 AM
To: John Davis <JDavis@piercedavis.com>
Cc: Barbara Fergusson <BFergusson@piercedavis.com>
Subject: Initial disclosures

Hi John,

I hope this message finds you well.

Regarding the Bush v. Acton Boxborough School District et al case:

I have attached my initial disclosures. Please provide your clients'.

I see that we have not met Federal Rule of Civil Procedure 26(f)(1)'s requirement to confer "as soon as practicable" regarding possibilities for resolving the case, planning discovery, and other matters. Are there time(s) this or next week that would work well for such a conference by phone? I'll endeavor to accommodate your availability.

I understand that LRCP 16.1(d) and FRCP 26(f)(3) require us to develop and file a joint scheduling statement. As the Court has not yet issued a scheduling order or scheduled a conference for that, I'd suggest we hold off on the joint scheduling statement for now.

Kind Regards,
Mike Bush